SPECIAL MEETING AGENDA July 19, 2012 at 3:00 PM Administration Building in Galliano, LA

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consider awarding the lowest responsive bid for Slip C Additional Dredging project
- V. Public Comment
- VI. Adjournment

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION July 19, 2012

The Board of Commissioners of the Greater Lafourche Port Commission met in special session on Thursday, July 19, 2012 at 3:00 PM at the Administration Building in Galliano, LA.

Vice President Lafont called the meeting to order and Secretary Collins called roll.

ATTENDED: Chuckie Cheramie, Perry Gisclair (late arrival), Jimmy Lafont, Wilbert Collins, Larry Griffin, Jimmy Guidry, and Ervin Bruce

ABSENT: Donald Vizier and John Melancon, Jr.

President Griffin presented for the board's consideration awarding the lowest responsive bid for Slip C Additional Dredging project. Executive Director Chiasson stated that the bids were received on June 5th with the low bid from Mike Hooks in the amount of \$4,111,746.00. There were questions concerning the bid form so the board approved to request an opinion from the Attorney General's office. Commissioner Gisclair entered the meeting. Port Attorney Autin further explained the discrepancy on the bid form that was submitted. There were 5 pay items to include in the bid with 2 items being lump sum and 3 items were for unit prices. The bid form had 2 columns one for unit price and one for unit price extension which was unit price time quantity. Mike Hooks did not put a number under the unit price for the 2 lump sum pay items and they just put the total amount under the unit price extension. Our specifications say every pay item needs to contain a unit price while they included it in the unit price extension but not in the unit price we needed to decide if they were the responsive bidder. There are several cases decided as recent as last year that touches on issues where there were blanks left on the bid forms. The court said the blanks were alright because the blanks were not applicable in determining what the bid was and filling in the blanks would require the bidder to do something in vain that had no bearing on the bid. The Attorney General opinion states that by Mike Hooks leaving the blanks on the bid form were alright and it did not render the bid nonresponsive; therefore, Mike Hooks should be considered as the lowest responsive responsible bidder and should be awarded the contract. Autin stated that the Mike Hooks bid is \$500,000 less than the next bidder, the Attorney General renders the bid responsive therefore he recommends awarding the bid to Mike Hooks.

Upon motion by Wilbert Collins to award the bid to Mike Hooks which was second by Jimmy Guidry, the floor was open to discussion. Lafont questioned if this is similar to the Nerby Collins issue with the bid, which Autin replied that it is not the same issue. The lowest bidder did not turn in a form in time and the third bidder ended up with the bid because there was a problem with the second bidder as well. Lafont stated that there is nothing that the bidder could have made more or less money by not filling that out, which Autin replied correct. Cheramie questioned what guarantees us that the second bidder won't sue us because the first bidder didn't do the paperwork right, which Autin replied there is no guarantee. Autin stated that under the public bid law as an example with the recent motor grader bid the second bidder had a question regarding the low bidder but we will have this every time we bid out a project. Cheramie stated that either way we can get sued, which Autin replied yes. Cheramie stated that if we can re-bid it and 30 days start with the possibility of getting sued how long that would take, which Chiasson replied we have no grounds to reject all the bids. Cheramie said the Attorney General's letter is just an opinion. Chiasson stated that if so we would get sued by Mike Hooks and he would rather approve this good bid and take our chances then re-bidding the project with the possibility of higher bids and still be in a lawsuit. Cheramie said we should have rebid this when we

opened the bids. He would like to see us specify in the bid documents that if the form is not completed and we have to get an Attorney General's opinion it should be thrown out.

Chiasson stated that he understands his suggestion but he recommends we approve the bid and move forward. Gisclair stated that he knows it is just an opinion but Buddy Caldwell's letter is more than just an opinion but if we go to the second bidder the opinion would be the same in Mike Hooks favor. Cheramie stated that he recommends from now on that if they don't fill out everything it should be thrown out if not there will be a lawsuit. This is the second time we have to go through this in less than a year. Autin stated that anything you do you may get sued. We asked for the Attorney General's opinion so that we will not be responsible for other attorney fees. Cheramie questioned if we can put in the bid documents if not completed it will be thrown out. Chiasson stated that it says that in the specifications that you must follow all public bid laws. Cheramie stated that is why it should be thrown out because they left blanks and it holds us responsible. He understands the Attorney General's opinion but where is the Attorney General when we get sued. Chiasson stated that the opinion is forever. Collins questioned who the engineer is, which Chiasson replied Joe Picciola. Collins requested his opinion, which Picciola replied he is the engineer taking the board's orders. The board then voted which resulted in 7 yeas and 2 absent.

Upon motion by Jimmy Lafont and second by Chuckie Cheramie, the board adjourned the special meeting.

ATTEST:

Larry Griffin, President

July 19, 2012 Special Meeting Minutes 2